

Attorney Docket No. ATI-214

UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Art Unit: 3611

Re: Application of: David S. Breed et al.

Serial No.: 09/474,147

Filed: December 29, 1999

For: System for Determining the Occupancy State
of a Seat in a Vehicle

COMMUNICATION

Assistant Commissioner for Patents
Washington, D.C. 20231

December 21, 2000

Sir:

On December 29, 1999, a petition under 37 C.F.R. §1.47(a) was filed with the application transmittal documents for the above-referenced application. A copy of this petition is transmitted herewith.

On March 27, 2000, after the undersigned was advised that the U.S. Patent and Trademark Office did not have any record of the petition in the computer system, a copy of the petition was sent by facsimile. A copy of the cover letter for that transmission is transmitted herewith.

On July 13, 2000, a petition to make the application special based on an applicant's age was submitted. A copy of this petition is submitted herewith.

On July 13, 2000 and October 23, 2000, status inquiries were sent to the USPTO to ascertain the status of the petition under 37 C.F.R. §1.47(a).

Attorney Docket No.: ATI- 214

UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Application of: David S. BREED et al.
Serial No.: Not yet known
Filed: Simultaneously
For: SYSTEM FOR DETERMINING THE
OCCUPANCY STATE OF A SEAT IN A
VEHICLE

FAX RECEIVED

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PETITIONS OFFICE

**PETITION UNDER 37 C.F.R. §1.47(a) FOR FILING PATENT
APPLICATION BY OTHER THAN ALL OF THE INVENTORS**

Assistant Commissioner for Patents
Washington, D.C. 20231

December 29, 1999

Sir:

Applicants hereby petition the Commissioner of Patents and Trademarks to accept the filing of the above-referenced U.S. patent application by other than all of the inventors.

A Declaration of Facts is attached hereto providing proof of the pertinent facts concerning the refusal of a co-inventor to join in the present application for patent.

The name and last known address of the co-inventor refusing to join in the application are as follows:

Name: Andrew J. Varga
Address: 29292 Marvin
Farmington Hills, Michigan 48331

It is believed that at least one of the inventions disclosed and currently claimed in the above-referenced application was developed in conjunction with and/or under the authorization of

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PETITIONS OFFICE

**DECLARATION OF FACTS IN SUPPORT OF PETITION
UNDER 37 C.F.R. §1.47(a) FOR FILING PATENT APPLICATION
BY OTHER THAN ALL OF THE INVENTORS**

Assistant Commissioner for Patents
Washington, D.C. 20231

December 29, 1999

Sir:

1. I am the attorney of record for the inventors submitting the Petition under 37 C.F.R. §1.147(a) for filing a patent application by other than all of the inventors.
2. I have firsthand knowledge of the facts recited herein.
3. On December 9, 1999, a complete copy of the above-referenced patent application was forwarded by the Chairman of the assignee of the application (by virtue of an assignment from the inventors cooperating in the filing of the application) to Andrew J. Varga, the non-joining inventor, along with a Declaration/Power of Attorney therefor. A copy of this letter is attached hereto as Exhibit A. The letter was sent by registered mail, return receipt requested and a copy of the return receipt signed by Mr. Varga is attached hereto as Exhibit B.

4. Mr. Varga responded by letter of December 23, 1999, a copy of which is attached as Exhibit C, that he refused to sign the Declaration/Power of Attorney unless he is paid for his time to review the application.

5. Mr. Varga is a former employee of the assignee, Automotive Technologies International, Inc., and there is no provision in an employment contract or agreement that Mr. Varga is entitled to compensation for his review of any patent applications describing and claiming inventions to which he may have contributed while employed by Automotive Technologies International, Inc.

6. In view of the foregoing, a bona fide attempt to present a copy of the applications papers to the non-signing inventor was made, and was successful, and the refusal of the non-signing inventor to participate in the filing of the application is documented.



Brian RoffeDecember 29, 1999

Date



AUTOMOTIVE TECHNOLOGIES INTERNATIONAL, INC.

P.O. Box 8
DENVER, NJ 07834
TEL (973) 299 2800
FAX (973) 263 8376
atl@worldnet.att.net

PO Box 140
Romeo, MI 48065
TEL (248) 853 83621
FAX (248) 853 4215
attider@worldnet.att.net

December 9, 1999

Registered, Return Receipt Requested

FAX RECEIVED

Andrew J. Varga, Ph.D.
29292 Marvin
Farmington Hills, MI 48331

DEC 21 2000

PETITIONS OFFICE

Dear Andy:

Enclosed herewith are patent applications ATI-197 and ATI-214. We have determined that you may have contributed to the inventive matter claimed in these patent applications and therefore we have included your name as one of the inventors on each patent application.

Please sign the enclosed declarations for each patent application and return them in the enclosed envelope to Brian Roffe.

We are also enclosing two checks for \$10 each as consideration for your assignment of each of these patents to ATI. We believe that under the conditions of your employment at ATI that you are obligated to execute these assignments. Therefore, please sign the assignments and return them also to Brian Roffe in the enclosed envelope.

You should be aware that if you do not agree that it is your obligation to assign the patents to ATI that this matter can be settled later and should not prevent you from returning the declarations to Brian Roffe.

Best regards,

A handwritten signature in black ink, appearing to read 'D. Breed', written over a horizontal line.

David S. Breed, Ph.D.
Chairman

Exhibit A

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PETITIONS OFFICE

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) <u>A. J. Varen</u>	
1. Article Addressed to: <u>ANDREW VAREN</u> <u>29292 MARVIN</u> <u>FARROT</u> <u>FARMINGTON HILLS,</u> <u>MI 48331</u>		B. Date of Delivery	
2. Article Number (Copy from service label) <u>0288611948</u>		C. Signature X <u>Andrew J. Varen</u>	
PS Form 3811, July 1999		<input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
Domestic Return Receipt		D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
102895-09-M-1789		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input checked="" type="checkbox"/> <u>CC</u>	
		4. Restricted Delivery (Extra Fee) <input type="checkbox"/> Yes	

Exhibit B

Andrew J. Varga, Ph.D.
29292 Marvin Road
Farmington Hills, MI 48331

(734) 464-9735 (Office)
(248) 553-3536

trinitech@worldnet.att.net
vargac@earthlink.net

December 23, 1999

FAX RECEIVED

DEC 21 2000

PETITIONS OFFICE

David S. Breed, Ph.D.
Automotive Technologies International, Inc.
P.O. Box 8
Denville, NJ 07834

Dear David:

I have received your letter dated December 9, 1999 and the accompanying patent application package. I am pleased to learn that you are continuing the pursuit of adding value to ATI. I have not had the opportunity to look into the enclosed material to date.

Your request for my signature on the patent applications is noted in your letter. I would be happy to sign these after I complete a review the applications. That in turn requires the expenditure of my time. I would expect compensation for that effort. As you are aware, we do not presently have an agreement covering this. I would, of course, be willing to discuss this with you.

Assignment of the patents, is yet another matter. Again, we have no agreement governing patent assignments. I am willing to discuss this with you. In the meantime, I am returning the two checks, each for \$10.00.

I look forward to your reply. Be assured that we can discuss these matters in the course of good business, hopefully coming to an agreement beneficial to ATI, its customers and shareholders.

With best regards,



Enclosures (2)

CC: Lelf Anderson

Exhibit C

Attorney Docket No.: ATI- 214

UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 3611

Re: Application of: David S. BREED et al.
Serial No.: 09/474,147
Filed: December 29, 1999
For: SYSTEM FOR DETERMINING THE
OCCUPANCY STATE OF A SEAT IN A
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PETITIONS OFFICE

**RE-SUBMISSION OF PETITION UNDER 37 C.F.R. §1.47(a) FOR FILING PATENT
APPLICATION BY OTHER THAN ALL OF THE INVENTORS**

Assistant Commissioner for Patents
Washington, D.C. 20231

March 27, 2000

Attn: Special Programs Law Office

Sir:

Applicants, through their attorney, hereby submit a copy of a petition under 37 C.F.R. §1.47(a), the original of which was submitted upon filing the application on December 29, 1999.

It is pointed out that the filing receipt for the application does not include the omitted inventor, Mr. Andrew J. Varga.

An early and favorable decision on the petition is earnestly solicited.

Respectfully submitted,

By: 

Brian Roffe
Attorney for Applicants
Reg. No. 35,336

Brian Roffe, Esq.
366 Longacre Avenue
Woodmere, New York 11598-2417
Tel.: (516) 295-1394
Fax.: (516) 295-0318

Attorney Docket No. ATI-214

UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner:

Art Unit: 3611

Re: Application of:

David S. Breed et al.

Serial No.:

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Filed:

December 29, 1999

For:

System for Determining the Occupancy
State of a Seat in a Vehicle

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PETITIONS OFFICE

PETITION TO MAKE SPECIAL BASED ON APPLICANT'S AGEAssistant Commissioner for Patents
Washington, D.C. 20231

July 13, 2000

Sir:

Applicants hereby petition the Assistant Commissioner for Patents to make the above-referenced application special and thereby advance the examination of the application out of turn pursuant to 37 C.F.R. §1.102.

This petition is based on applicant's age, namely, one of the applicants, Mr. Wilbur E. DuVall, was born on June 4, 1926 and is thus over 65 years of age. A copy of Mr. DuVall's driver's license showing his age is attached.

Pursuant to 37 C.F.R. §1.102(c), a fee is not due for this petition.

An early and favorable action on the merits is earnestly solicited.

FOR THE APPLICANTS
Respectfully submitted,
Brian Roffe

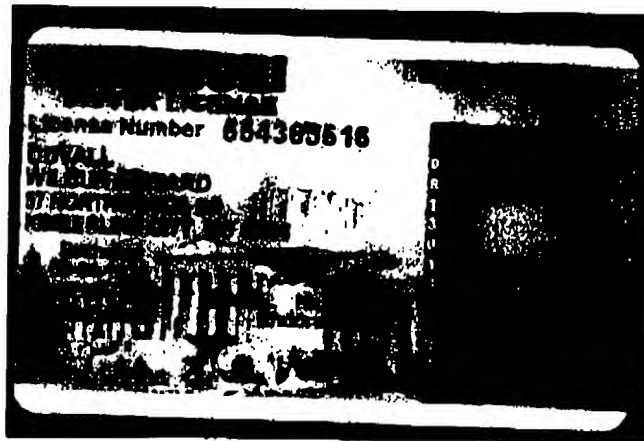
Reg. No. 35,336

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366 Longacre Avenue
Woodmere, New York 11598-2417
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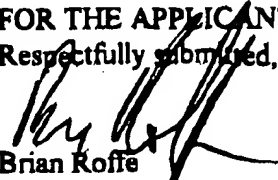
On July 13, 2000, a petition to make the application special based on an applicant's age was submitted. A copy of this petition is submitted herewith.

On July 13, 2000 and October 23, 2000, status inquiries were sent to the USPTO to ascertain the status of the petition under 37 C.F.R. §1.47(a).

To date, the undersigned has not received anything of substance from the USPTO regarding the petitions.

Action on the petition under 37 C.F.R. §1.47(a) is therefore urgently requested as it has been almost one year since the original petition was filed.

FOR THE APPLICANTS
Respectfully submitted,


Brian Roffe
Reg. No. 35,336

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